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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NATHAN HALE, individually and on) Case No.
behalf of all others similarly situated,)

Plaintiff,)

vs.)

ALLIED INTERNATIONAL CREDIT)
CORP.,)

Defendant.)

CLASS ACTION

**COMPLAINT FOR VIOLATIONS
OF:**

1. NEGLIGENT VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227 ET
SEQ.]
2. WILLFUL VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227 ET
SEQ.]
3. VIOLATIONS OF THE
ROSENTHAL FAIR DEBT
COLLECTION PRACTICES
ACT [CAL. CIV. CODE
§1788 ET SEQ.]
4. VIOLATIONS OF THE
FAIR DEBT COLLECTION
PRACTICES ACT [15
U.S.C. § 1692, ET SEQ.]

DEMAND FOR JURY TRIAL

1 Plaintiff Nathan Hale ("Plaintiff"), individually and on behalf of all others
2 similarly situated, alleges the following upon information and belief based upon
3 personal knowledge:

4 **NATURE OF THE CASE**

5 1. Plaintiff brings this action individually and on behalf of all others
6 similarly situated seeking damages and any other available legal or equitable
7 remedies resulting from the illegal actions of Allied International Credit Corp.
8 ("Defendant") in negligently, knowingly, and/or willfully contacting Plaintiff on
9 Plaintiff's cellular telephone in violation of the Telephone Consumer Protection
10 Act, 47 U.S.C. § 227 *et seq.* ("TCPA"), thereby invading Plaintiff's privacy.
11 Ancillary to the claims above, Plaintiff further alleges claims for Defendant's
12 violations of the Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), and
13 Federal Fair Credit Reporting Act ("FDCPA"), which prohibit debt collectors
14 from engaging in abusive, deceptive, and unfair practices

15 **JURISDICTION & VENUE**

16 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff,
17 a resident of California, seeks relief on behalf of a Class, which will result in at
18 least one class member belonging to a different state than that of Defendant, a
19 company with its principal place of business and State of Incorporation in
20 Arizona state. Plaintiff also seeks up to \$1,500.00 in damages for each call in
21 violation of the TCPA, which, when aggregated among a proposed class in the
22 thousands, exceeds the \$5,000,000.00 threshold for federal court jurisdiction.
23 Therefore, both diversity jurisdiction and the damages threshold under the Class
24 Action Fairness Act of 2005 ("CAFA") are present, and this Court has
25 jurisdiction.

26 3. Venue is proper in the United States District Court for the
27 CENTRAL District of California pursuant to 18 U.S.C. 1391(b) and 18 U.S.C. §
28 1441(a) because Defendant does business within the state of California and the

1 CENTRAL District of California.

2 **PARTIES**

3 4. Plaintiff, Nathan Hale (“Plaintiff”), is a natural person residing in
4 Whittier, California and is a “person” as defined by 47 U.S.C. § 153 (39), is a
5 “debtor” as defined by Cal. Civ. Code §1788.2(h), and is a “consumer” as defined
6 by the FDCPA, 15 U.S.C. §1692a(3).

7 5. Defendant, Allied International Credit Corp. (“Defendant”), is a
8 business that loans money to consumers and is a “person” as defined by 47 U.S.C.
9 § 153 (39). Further, Defendant was a company engaged, by use of the mails and
10 telephone, in the business of collecting a debt from Plaintiff which qualifies as a
11 “consumer debt,” as defined by Cal. Civ. Code §1788.2(f) and as a “debt,” as
12 defined by 15 U.S.C. §1692a(5). Defendant regularly attempts to collect debts
13 alleged to be due to Defendant, and therefore is a “debt collector” as defined by
14 the RFDCPA, Cal. Civ. Code §1788.2(c) and the FDCPA, 15 U.S.C. §1692a(6).

15 **FACTUAL ALLEGATIONS**

16 6. At various and multiple times prior to the filing of the instant
17 Complaint, including within the one year preceding the filing of this Complaint,
18 Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

19 7. Beginning December of 2015, Defendant contacted Plaintiff on his
20 cellular telephone in an attempt to collect an alleged outstanding debt.

21 8. Defendant was calling Plaintiff on his cellular telephone number
22 ending in -2783. Defendant often called from phone number 844-451-1312.

23 9. Defendant used an “automatic telephone dialing system”, as defined
24 by 47 U.S.C. § 227(a)(1) to place its daily calls to Plaintiff seeking to collect the
25 debt allegedly owed.

26 10. Defendant called Plaintiff on his cellular telephone with enough
27 frequency to constitute harassment under the circumstance.

28 11. Defendant’s calls constituted calls that were not for emergency

1 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

2 12. Defendant's calls were placed to telephone number assigned to a
3 cellular telephone service for which Plaintiff incurs a charge for incoming calls
4 pursuant to 47 U.S.C. § 227(b)(1).

5 13. Defendant's actions resulted in false and deceptive acts toward the
6 Plaintiff. Defendant made the Plaintiff, at all relevant times, believe that legal
7 action would be instituted against Plaintiff and that failure to heed the threats of
8 legal action would result in the taking of Plaintiff's property.

9 14. Defendant never received Plaintiff's "prior express consent" to
10 receive calls using an automatic telephone dialing system or an artificial or
11 prerecorded voice on his cellular telephone pursuant to 47 U.S.C. § 227(b)(1)(A).

12 15. § 1788.17 of the RFDCPA mandates that every debt collector
13 collecting or attempting to collect a consumer debt shall comply with the
14 provisions of Sections 1692b to 1692j, inclusive of, and shall be subject to the
15 remedies in Section 1692k or, Title 15 of the United States Code statutory
16 regulations contained within the federal Fair Debt Collection Practices Act
17 ("FDCPA"), 15 U.S.C. § 1692d, and § 1692d(5).

18 16. Defendant's conduct violated the RFDCPA and FDCPA in multiple
19 ways, including but not limited to:

- 20 a) Causing Plaintiff's telephone to ring repeatedly or
21 continuously with intent to harass, annoy or abuse
22 Plaintiff (§1692d(5));
- 23 b) Communicating with Plaintiff at times or places which
24 were known or should have been known to be
25 inconvenient for Plaintiff (§ 1692c(a)(1));
- 26 c) Causing a telephone to ring repeatedly or continuously
27 to annoy Plaintiff (Cal Civ Code §1788.11(d));
- 28 d) Communicating, by telephone or in person, with
Plaintiff with such frequency as to be unreasonable and

1 to constitute an harassment to Plaintiff under the
2 circumstances (Cal Civ Code §1788.11(e));

3 e) Engaging in conduct the natural consequence of which
4 is to harass, oppress, or abuse Plaintiff (§1692d));

5
6 17. Defendant's conduct violated the TCPA by:

7 a) using any automatic telephone dialing system or an
8 artificial or pre-recorded voice to any telephone
9 number assigned to a paging service, cellular
10 telephone service, specialized mobile radio service,
11 or other radio common carrier service, or any service
12 for which the called party is charged for the call (47
13 USC §227(b)(A)(iii)).

14 18. As a result of the above violations of the RFDCPA, FDCPA and
15 TCPA, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings,
16 personal humiliation, embarrassment, mental anguish and emotional distress, and
17 Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages,
18 and costs and attorney's fees.

19
20 **CLASS ALLEGATIONS**

21 19. Plaintiff brings this action individually and on behalf of all others
22 similarly situated, as a member of the proposed class (hereafter "The Class")
23 defined as follows:

24 All persons within the United States who received any
25 collection telephone calls from Defendant to said
26 person's cellular telephone made through the use of any
27 automatic telephone dialing system or an artificial or
28 prerecorded voice and such person had not previously
consented to receiving such calls within the four years

1 prior to the filing of this Complaint

2 20. Plaintiff represents, and is a member of, The Class, consisting of All
3 persons within the United States who received any collection telephone calls from
4 Defendant to said person's cellular telephone made through the use of any
5 automatic telephone dialing system or an artificial or prerecorded voice and such
6 person had not previously not provided their cellular telephone number to
7 Defendant within the four years prior to the filing of this Complaint.

8 21. Defendant, its employees and agents are excluded from The Class.
9 Plaintiff does not know the number of members in The Class, but believes the
10 Class members number in the thousands, if not more. Thus, this matter should be
11 certified as a Class Action to assist in the expeditious litigation of the matter.

12 22. The Class is so numerous that the individual joinder of all of its
13 members is impractical. While the exact number and identities of The Class
14 members are unknown to Plaintiff at this time and can only be ascertained
15 through appropriate discovery, Plaintiff is informed and believes and thereon
16 alleges that The Class includes thousands of members. Plaintiff alleges that The
17 Class members may be ascertained by the records maintained by Defendant.

18 23. Plaintiff and members of The Class were harmed by the acts of
19 Defendant in at least the following ways: Defendant illegally contacted Plaintiff
20 and Class members via their cellular telephones thereby causing Plaintiff and
21 Class members to incur certain charges or reduced telephone time for which
22 Plaintiff and Class members had previously paid by having to retrieve or
23 administer messages left by Defendant during those illegal calls, and invading the
24 privacy of said Plaintiff and Class members.

25 24. Common questions of fact and law exist as to all members of The
26 Class which predominate over any questions affecting only individual members
27 of The Class. These common legal and factual questions, which do not vary
28 between Class members, and which may be determined without reference to the

1 individual circumstances of any Class members, include, but are not limited to,
2 the following:

- 3 a. Whether, within the four years prior to the filing of this
4 Complaint, Defendant made any collection call (other than a
5 call made for emergency purposes or made with the prior
6 express consent of the called party) to a Class member using
7 any automatic telephone dialing system or any artificial or
8 prerecorded voice to any telephone number assigned to a
9 cellular telephone service;
- 10 b. Whether Plaintiff and the Class members were damages
11 thereby, and the extent of damages for such violation; and
- 12 c. Whether Defendant should be enjoined from engaging in such
13 conduct in the future.

14 25. As a person that received numerous collection calls from Defendant
15 using an automatic telephone dialing system or an artificial or prerecorded voice,
16 without Plaintiff's prior express consent, Plaintiff is asserting claims that are
17 typical of The Class.

18 26. Plaintiff will fairly and adequately protect the interests of the
19 members of The Class. Plaintiff has retained attorneys experienced in the
20 prosecution of class actions.

21 27. A class action is superior to other available methods of fair and
22 efficient
23 adjudication of this controversy, since individual litigation of the claims of all
24 Class members is impracticable. Even if every Class member could afford
25 individual litigation, the court system could not. It would be unduly burdensome
26 to the courts in which individual litigation of numerous issues would proceed.
27 Individualized litigation would also present the potential for varying, inconsistent,
28 or contradictory judgments and would magnify the delay and expense to all

1 parties and to the court system resulting from multiple trials of the same complex
2 factual issues. By contrast, the conduct of this action as a class action presents
3 fewer management difficulties, conserves the resources of the parties and of the
4 court system, and protects the rights of each Class member.

5 28. The prosecution of separate actions by individual Class members
6 would create a risk of adjudications with respect to them that would, as a practical
7 matter, be dispositive of the interests of the other Class members not parties to
8 such adjudications or that would substantially impair or impede the ability of such
9 non-party Class members to protect their interests.

10 29. Defendant has acted or refused to act in respects generally applicable
11 to The Class, thereby making appropriate final and injunctive relief with regard to
12 the members of the California Class as a whole.

13 **FIRST CAUSE OF ACTION**

14 **Negligent Violations of the Telephone Consumer Protection Act**

15 **47 U.S.C. §227 et seq.**

16 **(Plaintiff and the Class)**

17 30. Plaintiff repeats and incorporates by reference into this cause of
18 action the allegations set forth above at Paragraphs 1-29.

19 31. The foregoing acts and omissions of Defendant constitute numerous
20 and multiple negligent violations of the TCPA, including but not limited to each
21 and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

22 32. As a result of Defendant's negligent violations of *47 U.S.C. § 227 et*
23 *seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in
24 statutory damages, for each and every violation, pursuant to *47 U.S.C. §*
25 *227(b)(3)(B).*

26 33. Plaintiff and the Class members are also entitled to and seek
27 injunctive relief prohibiting such conduct in the future.

28 ///

SECOND CAUSE OF ACTION

Knowing and/or Willful Violations of the Telephone Consumer Protection

Act

47 U.S.C. §227 et seq.

(Plaintiff and the Class)

34. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-33.

35. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

36. As a result of Defendant's knowing and/or willful violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

37. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

THIRD CAUSE OF ACTION

Violations of the Rosenthal Fair Debt Collection Practices Act

Cal. Civ. Code § 1788 et seq.

(Plaintiff)

38. Plaintiff repeats and reincorporates by reference into this cause of action allegations set forth above at paragraphs 1-37.

39. To the extent that Defendant's actions, counted above, violated the RFDCPA, those actions were done knowingly and willfully.

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FOURTH CAUSE OF ACTION

Violations of the Federal Fair Debt Collection Practices Act

15 U.S.C. § 1692, *et seq.*

(Plaintiff)

38. Plaintiff repeats and reincorporates by reference into this cause of action allegations set forth above at paragraphs 1-37.

39. To the extent that Defendant's actions, counted above, violated the FDCPA, those actions were done knowingly and willfully.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

FIRST CAUSE OF ACTION

Negligent Violations of the Telephone Consumer Protection Act

47 U.S.C. §227 *et seq.*

- As a result of Defendant's negligent violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B).
- Any and all other relief that the Court deems just and proper.

SECOND CAUSE OF ACTION

Knowing and/or Willful Violations of the Telephone Consumer Protection Act

47 U.S.C. §227 *et seq.*

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and

1 47 U.S.C. §227(b)(3)(C).

- 2 • Any and all other relief that the Court deems just and proper.

3 **THIRD CAUSE OF ACTION**

4 **Violations of the Rosenthal Fair Debt Collection Practices Act**

5 **Cal. Civ. Code § 1788 et seq.**

6
7 WHEREFORE, Plaintiff respectfully prays that judgment be entered against
8 Defendant for the following:

- 9
10 A. Actual damages;
11 B. Statutory damages for willful and negligent violations;
12 C. Costs and reasonable attorney's fees,
13 D. For such other and further relief as may be just and proper.

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FOURTH CAUSE OF ACTION

Violations of the Federal Fair Debt Collection Practices Act

15 U.S.C. § 1692, *et seq.*

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

- A. Actual damages;
- B. Statutory damages for willful and negligent violations;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

Respectfully Submitted this 23rd day of April, 2016.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman
Todd M. Friedman
Law Offices of Todd M. Friedman
Attorney for Plaintiff